

1
2
3
4
5 **UNITED STATES DISTRICT COURT**
6 **DISTRICT OF NEVADA**
7

8 FERNANDO NAVARRO HERNANDEZ,
9 Petitioner, 3:09-cv-00545-LRH-WGC
10 vs.
11 **ORDER**
12 TIMOTHY FILSON, *et al.*,
13 Respondents.
14 _____ /

15 In this habeas corpus action, the petitioner, Fernando Navarro Hernandez has filed a fourth
16 amended petition for writ of habeas corpus (ECF No. 147), and the respondents were due to respond
17 to the fourth amended petition by October 26, 2017. *See* Order entered September 11, 2017 (ECF
18 No. 150) (response to fourth amended petition due 45 days from date of order).

19 On September 11, 2017, the Court denied Hernandez's motion for a stay of this action. *See*
20 Order entered September 11, 2017 (ECF No. 150). On September 21, 2017, Hernandez filed a
21 motion for reconsideration of that order (ECF No. 151). The respondents filed an opposition to that
22 motion on October 18, 2017 (ECF No. 154). Hernandez filed a reply on October 25, 2017 (ECF No.
23 156).

24 The Court "possesses the inherent procedural power to reconsider, rescind, or modify an
25 interlocutory order for cause seen by it to be sufficient," so long as the court has jurisdiction. *City of*
26 *L.A., Harbor Div. v. Santa Monica Baykeeper*, 254 F.3d 882, 885 (9th Cir. 2001) (emphasis and

1 quotation omitted). The Court finds that Hernandez does not show cause for the Court to reconsider
2 its September 11, 2017, order. The motion for reconsideration will be denied.

3 On October 25, 2017, respondents filed a motion for extension of time (ECF No. 155),
4 requesting that their response to Hernandez's fourth amended petition be suspended until after the
5 motion for reconsideration is resolved. The Court finds that the motion for extension of time is
6 made in good faith and not solely for the purpose of delay, and there is good cause for the extension
7 of time requested. The Court will grant respondents' motion for extension of time.

8 **IT IS THEREFORE ORDERED** that petitioner's Motion for Reconsideration (ECF No.
9 151) is **DENIED**.

10 **IT IS FURTHER ORDERED** that respondents' Motion for Enlargement of Time
11 (ECF No. 155) is **GRANTED**. Respondents shall have **60 days** from the date of this order to file an
12 answer or other response to petitioner's fourth amended petition for writ of habeas corpus. In all
13 other respects, the schedule for further proceedings set forth in the order entered February 20, 2015
14 (ECF No. 94) shall remain in effect.

15
16 Dated this 26 day of October, 2017.

17
18 
19

UNITED STATES DISTRICT JUDGE
20
21
22
23
24
25
26